SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: July 23, 2021

FILE NO: 016-03360-1714-055

OFFICE CORRESPONDENCE

FROM: HOLLY A. FRANCISCO, COMMANDER
DETECTIVE DIVISION

TO: JAMES C. POWERS, CAPTAIN
LOMITA STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2411882
Incident:	Hit Shooting
Incident Date:	September 8, 2016
Unit:	Lomita Station
Suspect(s):	Dyer, Jason R. MW/030786
Involved Employees:	Deputy Justin Smith, #[redacted] Deputy Taylor Wells, #[redacted]
EFRC Date:	July 8, 2021

The Executive Force Review Committee (EFRC) consisting of Commanders Holly A. Francisco, Alfred M. Reyes, and William E. Jaeger met and reviewed the above case.

FINDINGS:

The EFRC determined the use of force, tactics, and pursuit were within Department policy.

RECOMMENDATIONS:

The EFRC Panel recommended that Subjects Smith and Wells receive commendations for the life-saving efforts they used on Suspect Dyer.

HAF:DJW:dj

<u>**TABLE OF CONTENTS**</u>

SH 2411882

15 - Witness [redacted]

16a - Suspect Jason Dyer - Homicide Interview

16b - Suspect Jason Dyer - IAB Interview

EXHIBITS

A **(1) DVD containing LASD Homicide Bureau Case Book, file #016-03360-1714-055.**

B **Los Angeles County District Attorney's Office, Justice System Integrity Division, Letter of Opinion, dated August 24, 2020.**

C **Medical records for Suspect Jason Dyer.**

MISCELLANEOUS DOCUMENTS

Lomita Station, September 8, 2016, PM shift In-service.

Peace Officer Standards and Training Confidential Profile Report for Involved Deputy Justin Smith.

Peace Officer Standards and Training Confidential Profile Report for Involved Deputy Taylor Wells.

Administrative Rights Force/Shooting Investigation forms.

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
02/24/21	South Patrol Division/Lomita Station	[ ]	[x]

Incident Information

URN:	Date:	Time:
016-03360-1714-055	09/08/16	1811 hours

City or Station: Lomita

Location: [redacted] Pacific Coast Highway, Lomita

Nature of Incident: After intentionally colliding into a patrol car, the suspect exited his car and ran into a store. The suspect exited and pointed a gun at deputies. A 998 occurred and the suspect was wounded.

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [x] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 12'

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [x] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [x] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [x] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [x] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
9	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
	None			[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	[redacted]	[redacted]		[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	None		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Ortiz	Albert	M.

PSTD Use Only

SH # ____________________

SH-R-438A (rev. 04/18/13)

See Reverse

Officer Involved Shooting
Involved Employee Information

URN: 016-03360-1714-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Smith	First Name: Justin	M.I.: R.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Lomita	Work Assignment (Unit #, Module, etc.): 170W1
ShiftTime (*circle only one*): [ ] EM [✓] PM [ ] Day	ShiftType (*circle only one*): [✓] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [✓]
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [✓] Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 6'00"	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [ ]
Weapons Fired Brand: S&W M&P	Caliber: 9mm # Shots: 2	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E 2

Employee # [redacted]	Last Name: Wells	First Name: Taylor	M.I.: M.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Lomita	Work Assignment (Unit #, Module, etc.): 170W1
ShiftTime (*circle only one*): [ ] EM [✓] PM [ ] Day	ShiftType (*circle only one*): [✓] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [✓] Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'10"	Weight: 160		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [ ]
Weapons Fired Brand: Sig Sauer P226	Caliber: 9mm # Shots: 7	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E

Employee #	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name:	First Name:	M.I.:
Field Training Officer Emp #	Last Name:	First Name:	M.I.:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Officer Involved Shooting
Suspect Information

URN: 016-03360-1714-055

Suspect Information

S 1

Last Name: Dyer		First Name: Jason	M.I. R.
AKA Last Name: Derby		First Name: Jason	M.I.
Sex: M Race: White	Street Addre[redacted]	City [redacted]	State & Zip Code: [redacted]
Work Ph[redacted]	Home Phone: [redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 30 D.O.B. 03/07/86	Height: 6'6" Weight: 250	FBI # [redacted]	CII # [redacted]
Booking # 4775167	Primary Charge: 245 (d)(1) PC	Secondary Charge: 245 (c) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☑	Substance Used: Methamphetamine
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Volvo		Model: S60	Year: 2001

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09/08/16	2100h	02/24/21	

Employee #	Last Name	First Name	M.I.
[redacted]	Moore	David	L.
[redacted]	Adams	John	D.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	ZZ	9	N/A	N/A	NN	N/A
S1	E2	FH	ZZ	9	N/A	N/A	NN	N/A
E1	S1	FH	SW	9	Y	Y	GS	CH
E2	S1	FH	SS	9	Y	Y	GS	AR
E2	S1	FH	SS	9	Y	Y	GS	KN

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty Hit Shooting, Suspect Wounded**
IAB FILE NUMBER:	**SH 2411882**
URN#:	**016-03360-1714-055**
DATE/TIME:	**September 08, 2016, 1811 Hours**
LOCATION:	[redacted] **Pacific Coast Highway, Lomita**

SUMMARY

On September 8, 2016, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Slade Carrizosa, #[redacted] Sergeant David Moore, #[redacted] and Sergeant John Adams, #[redacted] responded to [redacted] Pacific Coast Highway in the city of Lomita, regarding an on-duty, deputy involved hit shooting. Suspect Jason Dyer (Suspect Dyer) sustained several gunshot wounds. On December 18, 2019, the case was assigned to Sergeant Morales.

IAB Lieutenant Carrizosa advised that the Lomita Station on-duty watch commander took reasonable steps to ensure the involved employees and witness personnel did not discuss the incident amongst themselves or with uninvolved persons prior to being interviewed by Homicide investigators.

Investigators Sergeant Howard Cooper, #[redacted] and Detective Gail Durham, #[redacted] from the Los Angeles County Sheriff's Department (LASD) Homicide Bureau assumed control of the shooting investigation. For further information regarding the investigation conducted by Homicide Bureau, refer to the Homicide Case Book under file number 016-03360-1714-055 **[Exhibit A]**.

> **IAB NOTE: The page numbers referenced in this summary regarding Exhibit A, correspond to the pdf version and not the hard copy or printed version.**

SYNOPSIS

On September 8, 2016, Deputy Justin Smith and Deputy Taylor Wells were assigned to the Lomita Station Summer Enforcement Team, Unit 170W1.

> **IAB NOTE: Units assigned to the Summer Enforcement Team are not**

assigned calls for service and typically patrol high crime areas.

Deputy Smith and Deputy Wells traveled northbound on Pennsylvania Avenue, in a marked black and white patrol car equipped with overhead lights and siren. They saw a vehicle (2001 silver Volvo S60, California license plate #[redacted] with no front license plates (violation of 5200 (a) V.C.) traveling southbound on Pennsylvania Avenue. The vehicle was driven by a male adult (Suspect Dyer) and had an adult female front passenger (Witness [redacted] Deputy Smith was driving the patrol car and made a U-turn on Pennsylvania Avenue in order to catch up to Suspect Dyer to initiate a traffic stop to warn or cite the driver for the violation.

As Deputy Smith and Deputy Wells began to follow Suspect Dyer, the suspect turned eastbound onto 255th Street. Suspect Dyer made another left turn northbound onto Kelley Avenue, which was a cul-de-sac.

As Suspect Dyer drove around the cul-de-sac at approximately ten to fifteen miles per hour, Deputy Smith and Deputy Wells activated their patrol car's overhead lights to conduct a traffic stop. Suspect Dyer proceeded to drive toward Deputy Smith and Deputy Wells patrol car and accelerated. Suspect Dyer intentionally used the driver's side of his vehicle to strike the driver's side door of the patrol car. Suspect Dyer continued driving away. Deputy Smith and Deputy Wells broadcasted emergent radio traffic they were in pursuit of an Assault with a Deadly Weapon on a Peace Office suspect.

Deputy Smith and Deputy Wells drove around the cul-de-sac and briefly lost sight of Suspect Dyer as the suspect drove southbound on Pennsylvania Avenue. The deputies relocated Suspect Dyer's vehicle as they approached the intersection of Pennsylvania Avenue and Pacific Coasty Highway in the "Eagle Plaza" parking lot, located at [redacted] Pacific Coast Highway, Lomita. Deputy Smith and Deputy Wells turned into the parking lot and saw the front end of Suspect Dyer's vehicle had collided into the front end of a Toyota Corolla (California license plate #[redacted] Suspect Dyer's vehicle was unoccupied and both front doors were partially open.

Deputy Smith and Deputy Wells exited their patrol car to investigate. A citizen (Witness [redacted] told them Suspect Dyer just ran into the [redacted] store.

Deputy Smith and Deputy Wells walked toward the [redacted] store and took cover behind a brown GMC Sonoma pickup truck (California license plate #[redacted] Deputy Smith positioned himself behind the tailgate and Deputy Wells positioned himself along the passenger side.

Suspect Dyer exited the [redacted] store and pointed a firearm directly at Deputy Smith and Deputy Wells, who were approximately twelve to fifteen feet away. Deputy Wells heard a gunshot, the sound of shattered glass, as he dove forward. Deputy Smith saw a flash from Suspect Dyer's firearm and saw Deputy Wells fall to the ground.

In fear for their safety, Deputy Wells fired seven rounds at Suspect Dyer from his Department approved Sig Sauer 226, 9mm semiautomatic handgun. Deputy Smith fired two rounds at Suspect Dyer from his Department issued Smith & Wesson M&P, 9mm semiautomatic handgun.

Suspect Dyer was struck several times by the gunfire, and he fell onto the concrete in front of the [redacted] store. Suspect Dyer laid in a fetal position, bleeding with his firearm still in his left hand tucked underneath his body. Deputy Smith and Deputy Wells detained the suspect at gunpoint.

Deputy Wells broadcasted emergent radio traffic, and indicated they were in a deputy involved hit shooting and requested medical aid for Suspect Dyer as well as assistance. Deputy Smith and Deputy Wells gave Suspect Dyer several commands to show his hands. Suspect Dyer tossed his firearm a short distance away with his left hand. A few moments later, a citizen (Witness [redacted] took independent action and kicked the firearm away from Suspect Dyer.

Within minutes, Deputy Michael Sampson, #[redacted] and Deputy Stephen Capra, #[redacted] arrived at the location. Deputy Sampson and Deputy Smith searched Suspect Dyer for additional weapons then applied direct pressure to the suspect's wounds. Deputy Wells retrieved a trauma kit from his patrol car and rendered medical aid to Suspect Dyer until paramedics arrived.

Suspect Dyer was treated at the scene by the Los Angeles County Fire Department personnel from Engine #83, under the command of Captain Moreno. Paramedics removed items of clothing from Suspect Dyer as they treated him for his gunshot wounds. A small baggie containing methamphetamine was recovered from Suspect Dyer's clothing. Suspect Dyer was transported and admitted to Harbor UCLA Medical Center for additional treatment.

A search for Witness [redacted] was conducted. Witness [redacted] was located in a nearby "BevMo" liquor store, located at 2533 Pacific Coast Highway, Suite "A", Torrance, and detained for questioning. She was not arrested.

IAB NOTE: "BevMo" is approximately 0.3 miles from where the deputy involved shooting occurred (Google).

Deputy Smith and Deputy Wells were not injured.

The vehicle driven by Suspect Dyer was discovered to be stolen out of Long Beach and documented under Long Beach Police Department DR# 16-0047120. The vehicle was recovered and impounded as evidence **[Exhibit A, page 97]**. Numerous varied rounds of ammunition and miscellaneous stolen items were recovered from the vehicle **[Exhibit A, page 140-141]**.

Homicide Sergeant Cooper and Detective Durham responded to the scene of the deputy involved shooting and began their investigation. They were assisted by fellow Homicide Bureau investigators Sergeant Michael Rodriguez, #[redacted] Detective Teri Bernstein, #[redacted] Sergeant Domenick Recchia, #[redacted] and Sergeant John O'Brien, #[redacted]

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Jason Dyer. In their letter of opinion, dated August 24, 2020, Deputy District Attorney Shannon Presby concluded Deputy Smith and Deputy Wells acted lawfully in self-defense and in defense of others **[Exhibit B]**.

INVOLVED EMPLOYEE

Justin Smith, Deputy Sheriff, #[redacted]
South Patrol Division
Lomita Station

WORK HISTORY

Date of Employment:	June 1, 2010
Date Assigned to Patrol/LMT Station:	December 1, 2013
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	[redacted]
Prior Founded Force Incidents:	[redacted]

Equipment Worn On Person

Deputy Smith was wearing an LASD Class A uniform. The uniform consisted of a tan short sleeve shirt with LASD shoulder patches, an identifying brass nameplate, and LASD badge on his chest. Deputy Smith wore a protective vest underneath his shirt. The pants were green in color and consisted of wool material. Deputy Smith wore a nylon web belt which contained his firearm, a Smith & Wesson M&P 9mm handgun. The weapon was also equipped with a tactical light. Deputy Smith's web belt also contained two extra magazines, pepper spray, handcuffs, and a portable radio.

On September 9, 2016, Deputy Smith's firearm was collected by Homicide Bureau investigators and booked as evidence (EV-18) at Lomita Station **[Exhibit A, page 101]**.

Taylor Wells, Deputy Sheriff, #[redacted]
South Patrol Division
Lomita Station

WORK HISTORY

Date of Employment: January 16, 2012
Date Assigned to Patrol/LMT Station: August 16, 2015
Date Completed Patrol Training: [redacted]
Prior Shooting incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person

Deputy Wells was wearing an LASD Class A uniform. The uniform consisted of a tan short sleeve shirt with LASD shoulder patches, an identifying brass nameplate, and LASD badge on his chest. Deputy Wells wore a bullet proof vest underneath his shirt. The pants were green in color and consisted of wool material. Deputy Wells wore a leather Sam Browne belt which contained his firearm, a Sig Sauer Model P226 9mm handgun. The weapon was also equipped with a tactical light. Deputy Well's Sam Browne belt also contained two extra magazines, pepper spray, handcuffs, and a portable radio.

On September 9, 2016, Deputy Well's firearm was collected by Homicide Bureau investigators as evidence (EV-17) at Lomita Station **[Exhibit A, page 101]**.

SUSPECT INFORMATION (WOUNDED)

Jason Dyer

Male, White, DOB: March 7, 1986, 6'06", 250 pounds, [redacted] CII # [redacted] MAIN # [redacted] FBI # [redacted]

The Consolidated Criminal History Reporting System (CCHRS) revealed Suspect Dyer had [redacted] Suspect Dyer's Consolidated Criminal History Report is included in the Homicide Bureau Case Book **[Exhibit A, pages 153 -177]**.

At the time of the incident, Suspect Dyer was [redacted]

SUSPECT'S INJURIES

Suspect Dyer sustained a total of nine gunshot wounds. Four gunshot wounds were to his left upper chest, one gunshot wound was to his left forearm, and one was to his left bicep. He also had one gunshot wound to his right forearm, one gunshot wound to his left thigh and one gunshot wound to his left knee. Suspect Dyer sustained fractures to his left side 3rd and 8th rib due to his gunshot wounds. Medical reports for Suspect Dyer can be found in Exhibit C.

DEPARTMENT PERSONNEL INJURIES

Deputy Smith and Deputy Wells were not injured.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Los Angeles County Sheriff's Department Homicide Bureau personnel and Scientific Services Bureau personnel. For a description of the evidence collected, and where it was collected from, see the Homicide Bureau Case Book **[Exhibit A, pages 99-107 and 135-142]**.

INVESTIGATOR'S OBSERVATIONS

IAB investigators were notified at approximately 1900 hours and arrived on scene at approximately 2100 hours. The scene is described in detail by Sergeant Rodriguez and Detective Bernstein **[Exhibit A, pages 103-107]**. Their description of the scene was consistent with IAB investigators' observations. The scene was also graphed by Scientific Services Bureau **[Exhibit A, Homicide Book CD's, Photos Disc 2]**.

WEAPON USED BY DEPUTY SMITH

At the beginning of his shift, Deputy Smith's firearm was loaded to capacity, with one live round in the chamber and seventeen live rounds in the magazine. Homicide investigators inspected Deputy Smith's Department issued Smith & Wesson M&P, semiautomatic handgun and found it loaded with a live round in the chamber and fifteen additional rounds in the magazine. Based on the round count of Deputy Smith's firearm, it was determined he fired two rounds of Department issued 9mm ammunition from his firearm. The firearm was examined by Senior Criminalist Tracy Peck, #[redacted] of the Scientific Services Firearms Identification Section and found to be functional **[Exhibit A, pages 71-72]**.

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY DEPUTY WELLS

At the beginning of his shift, Deputy Well's firearm was loaded to capacity, with one live round in the chamber and fifteen live rounds in the magazine. Homicide investigators inspected Deputy Well's Department approved Sig Sauer 226, semiautomatic handgun and found it loaded with a live round in the chamber and eight additional rounds in the magazine. Based on the round count of Deputy Well's firearm, it was determined he fired seven rounds of Department issued 9mm ammunition from his firearm. The firearm was examined by Senior Criminalist Tracy Peck, of the Scientific Services Firearms Identification Section and found to be functional [Exhibit A, pages 71-72].

Date last qualified: [redacted]

Date last trained with weapon: [redacted]

WEAPON USED BY SUSPECT DYER

Suspect Dyer pointed a Diamondback, model "DB9," serial number, [redacted] 9mm semi-automatic firearm at Deputy Smith and Deputy Wells. The firearm had a six round capacity magazine, and the firearm was loaded with six live 9mm rounds and one live 9mm round in the chamber. The firearm was booked as evidence (EV-13) **[Exhibit A, page 101 and pages 79-81, crime scene investigation report]**.

Criminalists were unable to determine with certainty a trajectory for the round deputies and witnesses believed they saw Suspect Dyer fire. It was never determined if Suspect Dyer actually fired his weapon.

PROPERTY DAMAGE

Deputy Smith's and Deputy Well's patrol car sustained traffic collision damage to the front driver's side quarter panel and driver's side door **[Exhibit A, CD's, Photos Disc 2, Photos of scene, and evidence A, page 101]** along with damage to the driver's side rear view mirror **[Exhibit A, CD's, Photos Disc 2, and evidence B, page 101]**.

The stolen vehicle driven by Suspect Dyer sustained traffic collision damage to the driver's side rear view mirror **[Exhibit A, CD's, Photos Disc 2, and Evidence C, page 101]** and traffic collision damage to the driver's side front quarter panel **[Exhibit A, CD's, Photos Disc 2, and Evidence D, page 101]**.

The GMC pickup truck, which was parked in front of the [redacted] store where the deputy involved shooting occurred, sustained a bullet hole which shattered the glass of the passenger side extra-cab rear wing window **[Exhibit A, CD's, Photos Disc 2, and Evidence E, page 102]** and bullet damage to the passenger side rear view mirror **[Exhibit A, CD's, Photos Disc 2, and Evidence F, page 102]**.

A bullet strike to the exterior stucco wall just east of the entrance door **[Exhibit A, CD's, Photo Disc 2, and Evidence G, page 102]** and another to the exterior stucco wall farther east of the entrance door **[Exhibit A, CD's, Photo's Disc 2, and Evidence H, page 102]** to the [redacted] Store was found.

Witness [redacted] black Toyota Corolla, sustained minor damage to the front driver's side bumper when Suspect Dyer's vehicle collided into it in the "Eagle Plaza" parking lot.

> **IAB NOTE: No photographs of the Toyota Corolla's damage were taken.**

All known property damage was documented in the Homicide Case Book **[Exhibit A, pages 99-107]**.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation of the incident was handled by Sergeant Cooper and Detective Durham of the LASD Homicide Bureau.

Suspect Dyer was charged with Assault with a Deadly Weapon on a Peace Officer, (245 (d)(2) P.C.), Unlawful Possession of a Firearm (29800 (a)(1) P.C.), Taking a Vehicle Without the Owner's Consent (10851 (a) V.C.), and Possession of Methamphetamine with a Loaded Firearm (11370.1 (A) H.S.). Suspect Dyer pled guilty to the assault, theft, and weapons counts with firearm enhancements, and was sentenced to twenty two years in state prison.

LIGHTING AND WEATHER CONDITIONS

The incident occurred outdoors during daylight hours. The weather was clear.

RADIO TRAFFIC

The incident was coordinated over the Sheriff's Communication Center (SCC) Access frequency. The radio traffic is contained on an audio DVD as, Audio Disc 1, Lomita 998, in Exhibit A. The following is a timeline summary of the radio transmissions, unless quotations are used.

SCC Access

18:12.00 – Unit 170W1 requested the patch.

18:12.08 – Unit 170W1 broadcasted they were in pursuit of an assault with a deadly weapon on a peace officer suspect. Unit 170W1 broadcasted they were "westbound" and then stated they were attempting to re-acquire the suspect vehicle. Unit 170W1 broadcasted they were southbound on Pennsylvania Avenue and stated the vehicle was a "Silver Volvo." 170W1's patrol car siren can be heard during the transmission.

18:12.41 – Unit 170W1 broadcasted they were are at Pennsylvania Avenue and Pacific Coast Highway.

18:12.56 – Unit 170W1 broadcasted "998."

18:13.08 – Unit 170W1 broadcasted their exact location and advised Suspect Dyer was "down."

18:13.22 – Unit 170S (Sergeant [redacted] #[redacted] broadcasted she was responding "in two."

18:14.16 – Unit 170S arrived to the location.

SURVEILLANCE VIDEO FOOTAGE

Homicide Bureau investigators responded to the area of 255th Street and Kelley Avenue where the attempted initial traffic stop occurred and searched for surveillance cameras which may have captured the incident. No surveillance cameras were found.

The deputy involved shooting was captured on video by a surveillance camera located at [redacted] Pacific Coast Highway, Lomita **[Exhibit A, CD's, Video, Loc1-PCH Liquor]**.

Additional video surveillance regarding the actions of Witness [redacted] was located at "BevMo," 2533 Pacific Coast Highway, Unit A, Torrance **[Exhibit A, CD's, Video, Loc2, PCH BEVMO]**.

LASD Technician Crew Deputy Steven Keen, #[redacted] collected the video surveillance evidence from "Market Liquor" and "BevMo."

INVOLVED EMPLOYEE AND WITNESS STATEMENTS

Homicide investigators interviewed the involved deputies, Suspect Dyer and numerous witnesses. Some of the witnesses contacted provided information regarding the actions of Witness [redacted] but the information was not consequential to the shooting.

The following narratives are intended only as a synopsis of the interviews. IAB investigators interviewed the involved deputy personnel as well as Suspect Dyer. No further witnesses were interviewed by IAB due to the lengthy passage of time since the deputy involved shooting occurred. The following are summaries of interviews conducted by IAB and Homicide Bureau. For more information and precise wording, see the attached CD containing the verbatim interview transcriptions and audio recorded interviews.

INVOLVED DEPUTY JUSTIN SMITH

Homicide Interview

On September 9, 2016, Deputy Smith was interviewed by Sergeant Cooper and Detective Durham. The interview was summarized in the Homicide Bureau Case Book **[Exhibit A, page 127-130].**

IAB Interview

On January 27, 2021, Deputy Smith was interviewed by IAB investigators at the IAB office in the city of Commerce. Deputy Smith was represented by his attorney, Sherry Lawrence.

Deputy Smith graduated from the [redacted] in [redacted] and became a police officer for the Los Angeles Police Department. He lateralled to LASD and became a deputy sheriff in 2010. He was assigned to Lomita Station in December 2013.

On September 8, 2016, Deputy Smith was assigned to the Lomita Station Summer Enforcement Team, Unit 170W1, with Deputy Wells. He had flexible work hours, but generally began during PM shift and finished sometime during the EM shift. Deputy Smith and Deputy Wells worked together as partners for approximately four to five months prior to September 8, 2016. Deputy Smith did not recall how much sleep he had prior to beginning his shift, but recalled he was well rested and not tired from lack of sleep.

Deputy Smith drove the patrol car and Deputy Wells was the front passenger. They drove northbound on Pennsylvania Avenue, near 254th Street, sometime around 1800 hours and saw a silver Volvo travelling southbound with no front license plate. The vehicle was driven by Suspect Dyer and Witness McCloskey was the front passenger. After the vehicle passed them, Deputy Smith made a U-turn on Pennsylvania Avenue and drove southbound toward the Volvo to make a traffic stop for a no front license plate violation.

Deputy Smith activated their patrol car's overhead red lights in order for another car in front of them to move over and allow them to catch up to Suspect Dyer. Suspect Dyer turned eastbound onto 255th Street and then drove northbound onto Kelley Avenue. Deputy Smith activated their patrol car's overhead lights with full rotators as they entered Kelley Avenue.

Deputy Smith had prior knowledge Kelley Avenue was a cul-de-sac. The street had many cars, including a recreational vehicle (RV) parked on the east side. Suspect Dyer drove his vehicle along the curb line of the street and began to slow down as he turned around and traveled southbound. Deputy Smith and Deputy Wells approached from the south and drove northbound at approximately ten to fifteen miles per hour.

Deputy Smith was familiar with the patrol car he drove and knew it had a poor turning radius, not capable of making a quick U-turn. He had driven that patrol car for approximately four months and knew the vehicle's limitations. He believed if he attempted to position the patrol car behind Suspect Dyer, he would not be able to do so easily or quickly. He expected Suspect Dyer would yield and give them the opportunity to conduct the traffic stop facing Suspect Dyer's vehicle. Deputy Smith and Deputy Wells did not have an opportunity to discuss how they would approach Suspect Dyer's vehicle if he pulled over.

Suspect Dyer did not pull over. The suspect quickly accelerated his vehicle and drove between the patrol car and another car parked on the west side of the street. Deputy Smith did not recall how much distance there was between the patrol car and the parked car when Suspect Dyer drove between them.

The driver's side of Suspect Dyer's vehicle collided against the driver's side of the patrol car as he passed, which damaged the patrol car's driver's side mirror, wheel well and doors. Deputy Smith did not have an opportunity to take evasive action. Deputy Smith and Deputy Wells did not exit their patrol car or open their doors prior to being struck by Suspect Dyer's vehicle.

Suspect Dyer continued southbound and turned westbound onto 255th Street. Deputy Smith made a U-turn and went westbound onto 255 street. Deputy Wells broadcasted emergent radio traffic that they were in vehicle pursuit of an assault with a deadly weapon suspect.

Deputy Smith and Deputy Wells did not get a clear look at the Volvo's rear license plate and did not run it on their mobile digital terminal (MDC) or broadcast the license plate information.

Deputy Smith lost sight of Suspect Dyer's vehicle on 255th Street. He turned southbound onto Pennsylvania Avenue and approached the intersection of Pacific Coast Highway. As they approached the intersection, numerous citizens directed them to the "Eagle Plaza" parking lot, located on the northwest corner of the intersection. Deputy Smith and Deputy Wells entered the parking lot and saw Suspect Dyer's vehicle parked in an awkward angle with an open front door. Deputy Smith did not immediately notice Suspect Dyer's vehicle had collided into a parked car in the parking lot.

Deputy Smith and Deputy Wells parked behind Suspect Dyer's vehicle and exited their patrol car. As Deputy Smith approached the vehicle, a citizen came out of a nearby [redacted] store and told them Suspect Dyer was inside. The vehicle's windows were not tinted and Deputy Smith had a clear view of the inside of the vehicle. He did not see anyone inside the vehicle, but did not approach it to look inside.

Deputy Smith and Deputy Wells walked behind a brown pickup truck and approached the [redacted] store. Deputy Smith was positioned behind the back of the pickup truck's tailgate and Deputy Wells was to his right side. Deputy Smith intended to order Suspect Dyer out of the [redacted] store and he did not prepare to go inside. Deputy Smith believed Suspect Dyer was inside of the [redacted] store, but he did not have an opportunity to discuss a tactical plan with Deputy Wells.

Suspect Dyer suddenly exited the [redacted] store and walked toward Deputy Smith and Deputy Wells with his left arm raised holding a firearm in his left hand. He did not recall if Suspect Dyer said anything as he approached. Suspect Dyer was approximately twelve to fifteen feet away from Deputy Smith.

Deputy Smith saw "a flash" and believed Suspect Dyer was shooting at him and Deputy Wells. Deputy Smith believed Suspect Dyer intended to kill them and was in fear for his life. Deputy Smith sidestepped to his left and brought his firearm up to eye level with both of his hands. He did not recall looking down his firearms iron sights, but he had a clear view of Suspect Dyer. He did not see anyone else in the immediate vicinity of

Suspect Dyer and did not observe anyone behind the glass of the [redacted] store. No civilians were behind Suspect Dyer or in danger of being shot by Deputy Smith if he missed Suspect Dyer.

Deputy Smith recalled firing one round at Suspect Dyer. He fired his weapon at Suspect Dyer to prevent him from killing him and Deputy Wells. He did not have an opportunity to give Suspect Dyer any commands prior to firing because Suspect Dyer was an immediate threat.

Deputy Smith did not consider using any other force options because no other force option would have been effective.

Deputy Smith saw Deputy Wells fall to the ground almost simultaneously as Deputy Smith fired at Suspect Dyer. Deputy Smith feared Suspect Dyer shot Deputy Wells and possibly killed him. He did not see Deputy Wells fire at Suspect Dyer.

Deputy Smith saw Suspect Dyer fall and briefly lost sight of the suspect as he repositioned himself to the pickup trucks front driver's side wheel well while still using the pickup truck for cover. He reacquired sight of Suspect Dyer and saw he was bleeding and lying in a fetal position on the cement in front of the liquor store. Suspect Dyer's hands were tucked underneath him toward his waistband.

Deputy Wells stood up and began transmitting radio traffic indicating they were in a deputy involved shooting. Deputy Smith saw Deputy Wells was not injured and they held Suspect Dyer at gunpoint. Deputy Smith ordered Suspect Dyer to show him his hands. After several commands, Suspect Dyer threw a black semi-automatic firearm above his head, which landed somewhere behind him.

Witness [redacted] approached Suspect Dyer and kicked the firearm further away from Suspect Dyer. Witness [redacted] took independent action and was not directed to kick the firearm away from Suspect Dyer.

Deputy Sampson and Deputy Capra arrived on scene. Deputy Smith and Deputy Sampson checked Suspect Dyer for additional weapons, but they did not locate additional weapons. Deputy Sampson and Deputy Wells monitored Suspect Dyer's vital signs as Suspect Dyer screamed in pain while bleeding from several gunshot wounds. Deputy Smith retrieved a cloth from his patrol car and applied direct pressure to Suspect Dyer's wounds to help stop the bleeding. Suspect Dyer was not immediately handcuffed because he had a cast on his right hand.

Suspect Dyer received medical attention from deputies within one minute of being shot. Paramedics arrived and provided additional medical aid to Suspect Dyer before being transported to the hospital.

Deputy Smith provided Aero Bureau personnel with information about Witness [redacted] last seen direction based on information he obtained from nearby citizens.

Witness [redacted] was located a short distance away and detained by other deputies approximately fifteen to twenty minutes after the deputy involved shooting occurred.

Sergeant [redacted] and Sergeant Ricky Osbourne, #[redacted] arrived to the location.

Deputy Smith was unaware Suspect Dyer had a firearm until the suspect walked out of the store holding the firearm in his hand.

Deputy Smith was not injured during the incident. He did not immediately participate in any debriefing about the incident.

INVOLVED DEPUTY TAYLOR WELLS

Homicide Interview

On September 9, 2016, Deputy Wells was interviewed by Sergeant Cooper and Detective Durham. The interview was summarized in the Homicide Bureau Case Book **[Exhibit A, page 136-139].**

IAB Interview

On January 27, 2021, Deputy Wells was interviewed by IAB investigators at the IAB office in Commerce. Deputy Wells was represented by his attorney, Sherry Lawrence.

Deputy Wells had been a deputy sheriff for four years prior to the deputy involved shooting. He was assigned to Lomita Station in 2015. On September 8, 2016, he was assigned to Unit 170W1 with Deputy Smith. Deputy Wells worked with Deputy Smith for approximately five months in the same patrol unit prior to the incident.

Deputy Wells began his shift at approximately 1800 hours and slept approximately five to six hours the previous night. He felt well rested when he began his shift.

Deputy Wells was the front passenger and Deputy Smith drove their patrol car. At approximately 1815 hours, they travelled northbound on Pennsylvania Avenue near 255th Street. Deputy Wells saw a silver Volvo with no front license plate pass them as it travelled southbound on Pennsylvania Avenue. The vehicle was driven by Suspect Dyer and Witness [redacted] was the passenger. Deputy Wells did not recognize Suspect Dyer or Witness [redacted]

Deputy Wells and Deputy Smith decided to make a traffic stop of the vehicle for a no front license plate violation. Deputy Smith made a U-turn on Pennsylvania Avenue and travelled southbound, as Suspect Dyer turned eastbound onto 255th Street. Deputy Wells and Deputy Smith followed Suspect Dyer, as he turned northbound onto Kelley Avenue, which was a cul-de-sac.

Deputy Smith activated the overhead lights on their patrol car and began to slow down to conduct a traffic stop. They intended to conduct a head-on traffic stop of Suspect Dyer's vehicle because the large number of cars parked along the street would not allow them to make an effective U-turn. They previously conducted a head-on traffic stop in the past, but did not get an opportunity to discuss how they would make their approach in this incident if Suspect Dyer pulled over.

Suspect Dyer made a U-turn and travelled southbound at approximately ten to fifteen miles per hour toward them, and began to slow down. Suspect Dyer suddenly accelerated his vehicle and intentionally struck the patrol car's driver side panel and mirror, with his vehicle's front driver's side, as he drove past.

Deputy Wells did not expect Suspect Dyer to hit their patrol car but expected him to pull over. Deputy Wells estimated Suspect Dyer's vehicle was travelling at eight miles per hour and then accelerated as it struck them.

Deputy Smith made a U-turn and they travelled southbound on Kelley Avenue. Deputy Wells broadcasted emergent radio traffic stating they were in pursuit of an assault with a deadly weapon suspect and activated their overhead lights and siren. Suspect Dyer drove westbound onto 255th Street and southbound onto Pennsylvania Avenue. Suspect Dyer had a good lead on them as they attempted to catch up to his vehicle. Deputy Wells lost sight of Suspect Dyer's vehicle when he turned southbound onto Pennsylvania Avenue.

As they approached the intersection of Pennsylvania Avenue and Pacific Coast Highway, Deputy Wells saw several citizens directing them to the parking lot located at the northwest corner of the intersection. They entered the parking lot and Deputy Wells saw Suspect Dyer's vehicle had collided into a parked Toyota Corolla. Deputy Wells also noticed the vehicle's two front doors were open.

Deputy Wells exited his patrol car and was about to broadcast the location of Suspect Dyer's vehicle and set up a containment to search for him. He took a few steps toward Suspect Dyer's vehicle and heard someone shout that Suspect Dyer entered the [redacted] store. Deputy Wells did not consider entering the [redacted] store because he was about to set up a containment.

Deputy Wells did not approach Suspect Dyer's vehicle, and did not see anyone inside the vehicle. Deputy Wells was near the rear passenger side of a parked pickup truck and used it for cover when he was going to set up a containment. Deputy Smith was somewhere behind him, but he did not recall Deputy Smith's exact position.

Deputy Wells suddenly saw Suspect Dyer walking briskly toward him with a firearm in his left hand. Suspect Dyer's left arm was fully extended and his firearm was pointed at Deputy Wells. Suspect Dyer was approximately eight feet away from Deputy Wells and the suspect did not say anything when he pointed the firearm at him.

Deputy Wells heard gunshots and the sound of glass shattering. Deputy Wells believed Suspect Dyer was shooting at both he and his partner, and was trying to kill them. Deputy Wells dove forward and fired seven rounds at Suspect Dyer, possibly from a kneeling position as he got up, but he did not specifically recall. He had both hands on his firearm and fully extended his arms, with his firearm pointing at Suspect Dyer and using his firearm's iron sights to acquire his target. Deputy Wells fired seven rounds at Suspect Dyer's center mass in one continuous volley of fire. Deputy Wells fired at Suspect Dyer to stop him from killing him and Deputy Smith.

Deputy Wells did not see any other persons in his direct line of fire and noticed Suspect Dyer was standing in front of a concrete wall when he shot him. Deputy Wells did not see Deputy Smith fire his weapon at Suspect Dyer, but believed he heard his partner fire two rounds.

Suspect Dyer fell to the ground and he stopped shooting at the suspect. Suspect Dyer's head faced east and his feet pointed west. Deputy Wells did not have an opportunity to give Suspect Dyer any commands before firing. He did not consider any other force options because none would have been effective to stop the threat from Suspect Dyer.

Suspect Dyer still had his firearm in his hand as he laid on the cement. Deputy Wells stood up and held Suspect Dyer at gunpoint while giving him commands to let go of his firearm. Deputy Smith also held Suspect Dyer at gunpoint and gave him additional commands. Witness [redacted] came out of an adjacent restaurant and kicked the firearm away from Suspect Dyer, which landed approximately four feet away from Suspect Dyer.

Deputy Wells broadcasted they were involved in a shooting and Suspect Dyer was injured. A dispatcher requested paramedics to respond to their location.

Deputy Sampson and Deputy Capra arrived to the location within one minute of the shooting. Deputy Wells and Deputy Smith formed a quick tactical plan on how to approach Suspect Dyer. They formed an arrest team with Deputy Sampson and one of them was designated with lethal force if it became necessary. Deputy Capra was designated to use a Taser if necessary. They approached Suspect Dyer and saw he needed immediate medical attention.

Deputy Smith, Deputy Sampson, and Deputy Capra rendered medical aid to Suspect Dyer as Deputy Wells retrieved a trauma medical kit from his patrol car. He gave the medical kit to Deputy Sampson because he knew Deputy Sampson had first aid experience in the military. Deputy Sampson tended to Suspect Dyer's wounds until paramedics arrived.

Deputy Wells never saw Suspect Dyer brandish a firearm when he was in his vehicle and did not know Suspect Dyer was armed until he saw him holding a firearm outside of the [redacted] store. Deputy Wells was not injured during the incident.

Deputy Wells did not immediately participate in a debriefing of the incident because he had been transported to Lomita Station following the shooting.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Cooper and Detective Durham at Lomita Station. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 125-127]**. The following is a brief summary of the Homicide interview:

Witness [redacted] met Suspect Dyer a few weeks before the incident. Suspect Dyer drove a silver Volvo and picked her up from her residence. Suspect Dyer began to panic when he saw a patrol car approaching them as they drove through a residential neighborhood.

Suspect Dyer turned left into a cul-de-sac, and retrieved a firearm from his waistband and held it in his hand. Witness [redacted] did not know Suspect Dyer had a firearm with him before she got into his car. After turning around in the cul-de-sac, Suspect Dyer accelerated and drove straight toward an approaching patrol car. Suspect Dyer drove past the patrol car and possibly struck it as he continued driving away. Witness [redacted] asked Suspect Dyer to stop so she could exit the vehicle, but he refused.

Suspect Dyer drove into a small parking lot and the vehicle slowed because it began to have some sort of mechanical trouble. Witness [redacted] exited the vehicle, as it was still moving and began walking away. Suspect Dyer also exited the vehicle, but she did not see him enter the [redacted] store.

Witness [redacted] heard several gunshots and turned around. She saw Suspect Dyer in front of the [redacted] store, down on one knee with his hands in front of him as if he had just shot a firearm. She saw smoke emitting from what she believed was a firearm in front of Suspect Dyer as he laid on the ground.

Witness [redacted] ran westbound on Pacific Coast Highway and went into a "BevMo" store. She flagged down a sheriff's deputy in the parking lot, and she was detained until she spoke with Homicide investigators.

> **IAB NOTE: Witness [redacted] was not arrested or charged with any crime.**

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia and Sergeant O'Brien at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 119-120]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was a [redacted] from the state of [redacted] He was inside the "Greek Eats" restaurant in the same complex as the [redacted] store when he saw Deputy Smith and Deputy Wells arrive.

> **IAB NOTE: The "Greek Eats" restaurant was adjacent to [redacted] directly to the east.**

Witness [redacted] saw Suspect Dyer exit the [redacted] store with his left arm extended, holding a firearm in his left hand. Witness [redacted] heard four to five gunshots. Suspect Dyer fell to the ground and laid in a fetal position, but still held his firearm in his left hand. Deputies gave several commands to Suspect Dyer to drop the firearm and Suspect Dyer pushed it approximately two feet away from his person. Witness [redacted] came from the restaurant and kicked Suspect Dyer's handgun away so deputies could provide medical assistance to Suspect Dyer.

<u>WITNESS</u> [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Cooper and Detective Durham in the city of Lomita. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 123-124]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was [redacted] at [redacted] and saw Suspect Dyer and Witness [redacted] exit a silver Volvo as the vehicle was still in motion. The vehicle slowly continued forward until it collided into Witness [redacted] parked black Toyota Corolla.

Suspect Dyer ran into the [redacted] store while Witness [redacted] ran westbound toward Pacific Coast Highway. Witness [redacted] exited the [redacted] store as Deputy Smith and Deputy Wells arrived in a patrol car. Witness [redacted] called out to Deputy Smith and Deputy Wells and shouted, "He's in there!" as he pointed to the [redacted] store.

Witness [redacted] saw Suspect Dyer exit the [redacted] store moments after he directed the deputies to the suspect's location. Suspect Dyer held a small black firearm in his hand and pointed the firearm toward both deputies. Suspect Dyer fired at least one round at them. Witness [redacted] ran eastbound and then heard at least six additional gunshots, but did not see who fired.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Cooper and Detective Durham at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, page 125]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was [redacted] inside the [redacted] of the "Greek Eats" restaurant. He heard an unknown female tell a deputy sheriff, "He went over there," and saw her point to the liquor store. He heard a male deputy state, "Put it down!" approximately four times, and then heard gunshots.

He saw Suspect Dyer bleeding from his arms, chest, and abdomen. Suspect Dyer collapsed onto the concrete walkway in front of the liquor store. Two deputy sheriffs began to provide medical aid to Suspect Dyer.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia and Sergeant O'Brien at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 115-116]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was driving his vehicle southbound on Pennsylvania Avenue toward Pacific Coast Highway with his [redacted] Witness [redacted] who was the sole front passenger. Witness [redacted] stopped at a red light at the intersection and saw Suspect Dyer's vehicle collide with a parked car in the "Eagle Plaza" parking lot. He saw Suspect Dyer run northbound toward [redacted]

Deputy Smith and Deputy Wells arrived at Pennsylvania Avenue. Witness [redacted] exited his vehicle and told them Suspect Dyer entered the liquor store. Witness [redacted] saw deputies enter the "Eagle Plaza" parking lot and exit their patrol car. They approached the [redacted] store on foot as Suspect Dyer exited the [redacted] store.

Suspect Dyer was armed with a black semi-automatic firearm. He heard deputies shout, "Drop the gun!" and heard four to six gunshots. He was not sure which deputy fired their weapon or if Suspect Dyer fired as well.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia and Sergeant O'Brien at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 116-117]**. The following is a brief summary of the Homicide interview.

Witness [redacted] was the front passenger of a vehicle driven by Witness [redacted] They were stopped at a red light at the intersection of Pennsylvania Avenue and Pacific Coast Highway. He saw a vehicle collide into a parked car in the "Eagle Plaza" parking lot. Suspect Dyer and Witness [redacted] exited the vehicle that collided into the parked car and ran towards the liquor store. Sheriff's deputies arrived approximately fifteen seconds later and Witness [redacted] directed them to the [redacted] store. The deputies drove into the parking lot and exited their patrol car.

Suspect Dyer ran out of the [redacted] store and pointed a black handgun at deputies. He heard approximately six to ten gunshots and ran for cover. He saw both deputies fire their weapons at Suspect Dyer. He saw Suspect Dyer fall to the ground and heard deputies giving commands to Suspect Dyer after the deputy involved shooting.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia and Sergeant O'Brien at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 118-119]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was in the "Eagle Plaza" parking lot walking up the east staircase to the second floor when he heard a collision. He went to investigate the source of the collision and saw Suspect Dyer and Witness [redacted] exit the vehicle that collided into a parked car. Suspect Dyer ran toward the liquor store and Witness [redacted] ran southbound. Deputy Smith and Deputy Wells arrived to the parking lot moments later.

Witness [redacted] heard a deputy yell "Gun!" and saw Suspect Dyer point a black firearm at deputies. He ran up the staircase for cover and heard two volleys of fire. Witness [redacted] estimated he first heard approximately five to six gunshots and then another three to four after a brief break.

He was not sure if Suspect Dyer fired his weapon and did not know if one, or both, deputies fired their weapons. Deputy Smith and Deputy Wells gave Suspect Dyer

several verbal commands after the deputy involved shooting and then additional patrol units arrived.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia and Sergeant O'Brien at Lomita Station. IAB investigators were also present during the interview. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 112-113]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was stopped at a red light at the intersection of Pennsylvania Avenue and Pacific Coast Highway. Her [redacted] Witness [redacted] and Witness [redacted] were also in her car. She saw Suspect Dyer and Witness [redacted] exit the suspect's vehicle. She saw Suspect Dyer enter the [redacted] store and saw Deputy Smith and Deputy Wells arrive. Suspect Dyer walked out of the [redacted] store and had a handgun in his hand. She saw Suspect Dyer fire approximately three shots at deputies before they returned fire.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant O'Brien at Lomita Station. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, page 114]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was a rear passenger in Witness [redacted] vehicle. She saw Suspect Dyer exit a vehicle and run into a [redacted] store. Suspect Dyer then ran out of the [redacted] store holding a firearm with both of his hands. She heard three gunshots and saw a "flash" from Suspect Dyer's firearm.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant O'Brien at Lomita Station. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 114-115]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was a rear passenger in Witness [redacted] vehicle. He saw Witness [redacted] walking away from the passenger side of a car that crashed in the parking lot. He did not witness the deputy involved shooting.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant O'Brien in the city of Lomita. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, page 110]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was inside of "BevMo" and overheard Witness [redacted] tell someone she was speaking to on a cell phone that Suspect Dyer shot at deputies. Witness [redacted] contacted Witness [redacted] and walked outside to the parking lot with her. Witness [redacted] and Witness [redacted] both flagged down a passing patrol car and Witness [redacted] was detained. Witness [redacted] did not witness the deputy involved shooting.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant Recchia in the city of Lomita. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, page 111]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was inside of "BevMo" and overheard Witness [redacted] tell someone she was speaking to on a cell phone that Suspect Dyer shot at deputies. Witness [redacted] heard a helicopter overhead advising the public they were looking for a female suspect. Witness [redacted] called 9-1-1 and advised a dispatcher Witness [redacted] was inside of "BevMo." Witness [redacted] did not witness the deputy involved shooting.

WITNESS [redacted]

Homicide Interview

On September 8, 2016, Witness [redacted] was interviewed by Sergeant O'Brien in the city of Lomita. This interview was audio recorded and is summarized in the Homicide Case Book **[Exhibit A, pages 111-112]**. The following is a brief summary of the Homicide interview:

Witness [redacted] was inside of "BevMo" with Witness [redacted] and Witness [redacted] Witness [redacted] overheard Witness [redacted] tell someone on her cell phone, "He shot the cops!" Witness [redacted] did not witness the deputy involved shooting.

SUSPECT JASON DYER

Homicide Interview

On September 9, 2016, Sergeant Cooper and Detective Durham attempted to interview Suspect Dyer at Harbor UCLA Medical Center; however, Suspect Dyer was heavily sedated and unable to speak with them. The attempted interview was summarized in the Homicide Case Book **[Exhibit A, page 134]**.

While at the hospital, a Gun Shot Residue (GSR) examination of Suspect Dyer was conducted. Sergeant Cooper took possession of the GSR kit and submitted it to Senior Criminalist Jessica Luna, #[redacted]

> **IAB NOTE: A request to have the GSR kit tested by Scientific Services Bureau was never issued, due to several independent witnesses stating they saw Subject Dyer pointing the gun at the deputies.**

IAB Interview

On January 12, 2021, IAB investigators conducted a telephonic interview with Suspect Dyer. During the interview, Suspect Dyer was housed at Ironwood State Prison. On September 8, 2016, Suspect Dyer was driving a vehicle that did not belong to him. Witness [redacted] was a passenger in the vehicle. Suspect Dyer saw a patrol car driving toward them. The patrol car had its overhead lights on and attempted to pull them over.

Suspect Dyer drove into a cul-de-sac and drove along the curb line until his vehicle faced the approaching patrol car. Suspect Dyer attempted to drive between a parked car on the west side of the street and the oncoming patrol car. He sideswiped the driver's side of the patrol car with his car as he accelerated past the patrol car in an attempt to get away. He estimated it took approximately thirty seconds from the time deputies activated their overhead lights to the time he collided with the patrol car. Suspect Dyer was not injured when he sideswiped the patrol car.

Suspect Dyer entered a parking lot approximately a block away and "ditched" the vehicle he was driving because it began to have mechanical problems. He entered a [redacted] store to look for a back door so he could evade the deputies, but he did not find one.

Suspect Dyer had a fully loaded firearm in his possession, but believed he had it in his waistband because his right arm was in a splint due to a right wrist fracture. He

believed deputies were attempting to find him, but he did not know they were outside of the [redacted] store.

Suspect Dyer exited the [redacted] store. He did not shoot his firearm at deputies and did not point it at them.

IAB NOTE: Homicide investigators previously monitored Suspect Dyer's jail made telephone calls through the Inmate Telephone Monitoring System (ITMS). During one phone call, Suspect Dyer spoke to an unidentified male and stated he recalled firing one round at deputies [Exhibit A, page 150].

He never heard deputies give him any commands prior to being shot. He did not recall how many shots he heard, but believed every shot they fired struck him.

Suspect Dyer stated he was shot nine times by deputies. He sustained one gunshot to the left side of his ribcage which punctured his left lung, two gunshots to his upper chest, one gunshot to his left arm near the elbow, two gunshots to his left forearm, two gunshots to his right forearm and bicep, and one gunshot to his left knee. Suspect Dyer stated he suffered a mild heart attack following the shooting and had to have knee surgery to repair damage.

Suspect Dyer estimated the deputy involved shooting occurred approximately five minutes after deputies attempted to pull him over. Deputies did not render any aid and waited for paramedics to arrive.

Suspect Dyer smoked methamphetamine and consumed Xanax earlier in the day. He also consumed approximately half of a fifth of vodka prior to the incident.

IAB NOTE: Xanax may be used to treat anxiety and panic disorders. It belongs to a class of medications, which act on the brain and nerves to produce a calming effect.

IAB NOTE: A fifth of alcohol is another name for a 750 millimeter alcohol bottle (Google.com).

Suspect Dyer had no history of mental illness.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

August 24, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Non-Fatal Officer Involved Shooting of Jason Dyer
J.S.I.D. File #16-0457
L.A.S.D. File #016-03360-1714-055

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 8, 2016, non-fatal shooting of Jason Dyer by members of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Justin Smith, #[redacted]
Deputy Taylor Wells, #[redacted]

Hall of Justice
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Los Angeles, CA 90012
(213) 974-3888
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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Jason Dyer
J.S.I.D. File #16-0457
L.A.S.D. File #016-03360-1714-055

DATE: August 24, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 8, 2016, non-fatal shooting of Jason Dyer by Los Angeles County Sheriff's Department (LASD) Deputies Justin Smith and Taylor Wells. It is our conclusion that Deputies Smith and Wells used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on September 8, 2016, at approximately 7:15 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant John Corina.

The following analysis is based on investigative reports, witness statements, videos and photographs submitted to this office by LASD Homicide Detectives Howard Cooper and Gail Durham. No compelled statements were considered in this analysis.[1]

FACTUAL ANALYSIS

Deputies Smith and Wells were assigned to the LASD Lomita Sheriff Station Summer Enforcement Team. Shortly before 6:00 p.m. on September 8, 2016, they were on routine patrol in the area of Pennsylvania Avenue and Pacific Coast Highway (PCH).

The deputies were traveling northbound on Pennsylvania Avenue from PCH when they saw a silver Volvo with no front license plate traveling southbound. They made a U-turn in order to contact the driver and warn or cite him for the violation. As they began to follow the Volvo, it turned westbound onto 255th Street and then took another left onto northbound Kelley Avenue. That block is a cul-de-sac. The Volvo swung around at the end of the street and drove straight at the patrol unit, striking it on the driver's side door. Wells estimated the Volvo was traveling at

[1] Smith and Wells provided voluntary statements to investigators contained in Incident Reports documenting their observations and actions relating to this incident. Their statements, detailed below, are derived from these reports.

20-25 miles per hour when it sideswiped their vehicle and was continuing to accelerate. Wells and Smith perceived that this collision was intentional and broadcast that they were in pursuit of an assault with a deadly weapon on a peace officer suspect. The officers briefly lost sight of the Volvo as they turned around in the cul-de-sac. As they approached the intersection of southbound Pennsylvania Avenue and PCH, they saw that the driver had crashed his car into another vehicle parked in the parking lot of the Rolling Hills Plaza.

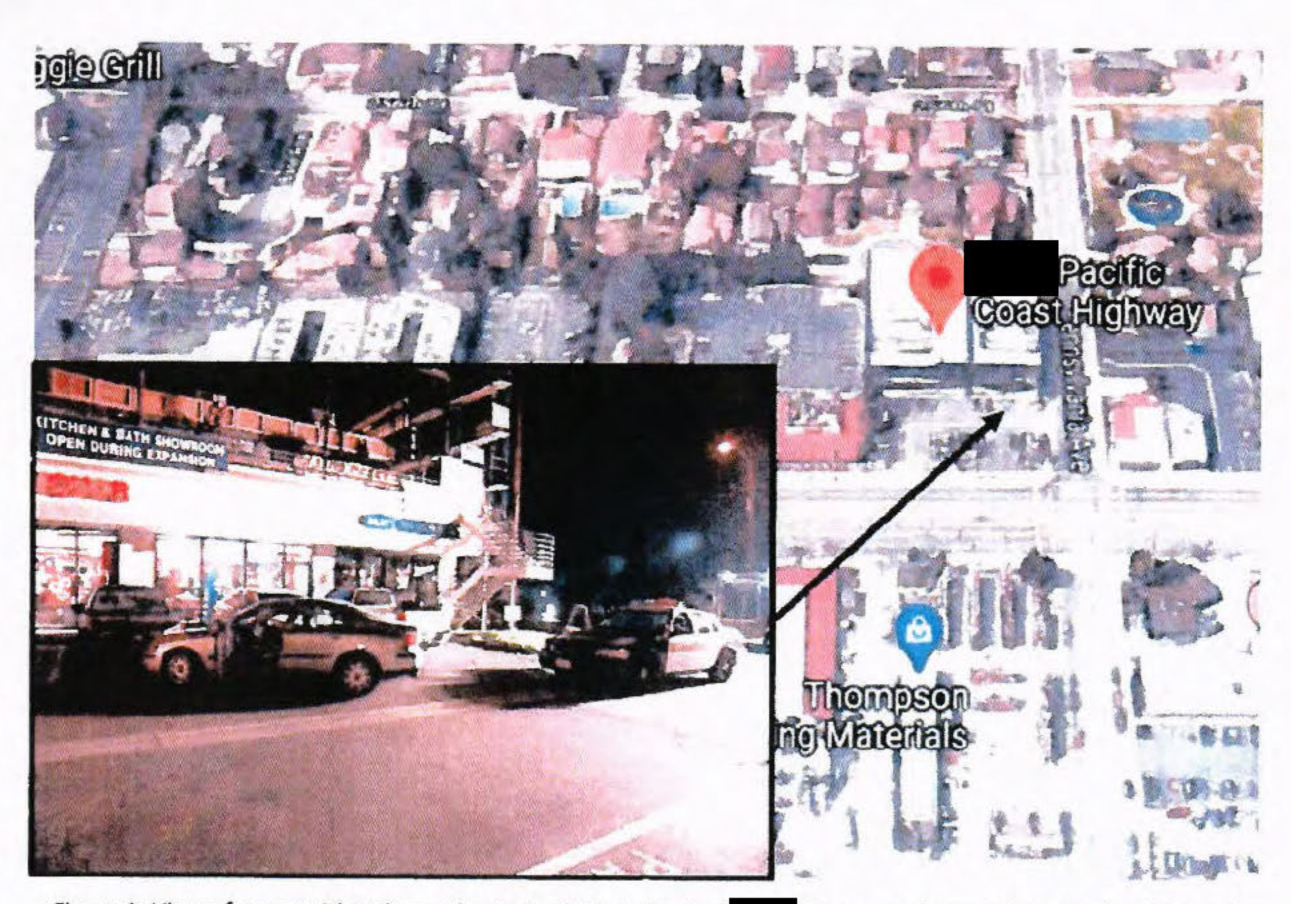


Figure 1: View of scene with Volvo and patrol vehicle in front of [redacted] store, superimposed on overhead view of Rolling Hills strip mall and parking lot, corner of Pennsylvania Avenue and PCH.

As Smith and Wells got out of their patrol car, they noticed the Volvo was still running but unoccupied. A man, later identified as the [redacted] exited the [redacted] store and told them the suspect was inside. Smith stated they exited their patrol car, and he and his partner immediately took cover behind a large brown truck parked facing the [redacted] store. Smith saw the Volvo's driver, later identified as Dyer, exit the [redacted] store. While taking cover behind the truck, Smith could not see Dyer's hands, so he moved to his left. At this point, Smith was twelve to fifteen feet from Dyer and could see Dyer had his left hand raised. Smith saw a flash of light, followed by the sound of multiple gunshots. In the same moment, he saw Wells fall to the ground. Believing Dyer shot his partner, Smith fired a single round from his duty weapon at Dyer. He saw Dyer fall to the concrete in front of the [redacted] store. While holding Dyer at gunpoint, he saw Wells stand up, radio for backup and medical assistance, and advise dispatch that they had been involved in a shooting. At this point, Smith realized Wells had not been shot

by Dyer. Smith noticed that Dyer had a cast on his right hand and was curled up with his left hand under him. Dyer reached out and dropped a black handgun from his left hand to the concrete walkway.

Wells explained to investigators that he had taken a position of cover next to the truck when he saw Dyer exit the [redacted] store with a gun in his right hand. Dyer immediately raised his left arm and, while holding his weapon in a two-handed shooting stance, fired a single shot at Wells. Wells dove down to take better cover, and, fearing that Dyer would continue to shoot at him, he fired five to six rounds from his duty weapon. Wells saw Dyer fall to the ground. Despite his orders to drop the gun, Dyer lifted his left hand and held the weapon above him until Wells saw a civilian approach and kick the gun from Dyer's grasp. The gun landed a few feet away. Wells estimated that he was no more than ten feet away from Dyer when he fired.

Smith, Wells, and newly arrived deputies rendered medical aid to Dyer until paramedics arrived. Smith then looked around and noticed that the woman who had been in the front passenger seat of the Volvo, later identified as [redacted] was no longer at the location.

Drivers and passengers who were in cars southbound on Pennsylvania Avenue and stopped at the stoplight at PCH, or were near the parking lot, all described essentially the following: A grey or silver car sped down Pennsylvania Avenue, cut the curb and turned quickly into the lot, crashing into a parked vehicle. While the car was still moving, a male driver and female passenger dashed out of the car. The driver ran into the [redacted] store. A patrol car came quickly down Pennsylvania Avenue and the patrol car followed the Volvo into the lot. As the patrol car arrived, a man exited the [redacted] store and yelled to the deputies, "They're in here! They're in here!" Just then, the driver exited the [redacted] store, pointing a handgun at the deputies. Two individuals reported the driver fired three shots at the deputies. All of the witnesses agreed that the deputies fired in response to the driver pointing the weapon at the deputies.

The [redacted] stated he had been working behind the counter at the cash register when he saw a silver Volvo roll awkwardly into the lot. He saw Dyer and [redacted] exit while the car continued to roll and collide into the manager's parked car. [redacted] ran westbound through the lot and towards PCH. Dyer ran into the [redacted] market. The [redacted] knew something was happening because he heard sirens and then saw the patrol car arrive. He ran around the front counter and towards the front door. As he did so, he passed Dyer and yelled, "Hey, get out! I'm calling the police." Dyer said, "Don't do that."

The [redacted] stood against the south wall of the market, outside of and to the east of the front door. He called out to the deputies who were exiting their patrol car and said, "He's in there!" The [redacted] saw Dyer exit the store and point a pistol at the deputies. Dyer fired his weapon in their direction. The [redacted] then turned, ran east, and heard more gunshots behind him. After he returned, he saw Dyer on the concrete walkway just east of his store. He noticed a small, black, semiautomatic handgun nearby.

Several witnesses saw that Dyer kept the gun in his hand even after being shot and falling to the ground. Dyer eventually tossed the gun a short distance away. A patron from the restaurant next to the liquor store kicked the gun further away from Dyer. Several individuals who drove away for their safety saw that [redacted] left the scene and fled in the direction of a nearby BevMo. Witnesses at the BevMo heard her say, while on her phone, "He shot at the cops!" Witnesses called 9-1-1 to report the shooting and witnesses at the BevMo pointed out [redacted] to additional LASD personnel who arrived and detained her.

[redacted] was interviewed by Cooper and Durham. She claimed that she did not know Dyer was armed when she got in his car. She was looking at her phone to try to find a restaurant, when Dyer noticed the police were behind them and had an extreme reaction. As [redacted] turned around to see what he was reacting to, Dyer yelled at her, "Don't you fucking turn around." She unsuccessfully tried to calm him down. At that time, she saw he had a gun in his hand. She was about to try to get out of the car when Dyer suddenly turned the car around and drove straight at the deputies' patrol car. Dyer did not slow down or stop until he entered the parking lot and their car seemed to stop running properly. At this point [redacted] jumped out and ran away from Dyer. She did not recall him running into any buildings. She turned around in time to see him exit the [redacted] store, kneel in a shooting stance, and fire at the deputies. She heard multiple gunshots and ran to the BevMo. Once there, she identified herself to the first deputies she saw.

Investigators were unable to interview Dyer due to the effects of the medical treatment he underwent on the night of the shooting. Investigators later determined that the Volvo Dyer was driving was stolen.

At the time of the incident, Dyer was [redacted] As a result of this incident, Dyer was charged in case number YA094555 with two counts of felony assault with a deadly weapon on a peace officer, vehicle theft, possession of methamphetamine, unlawful possession of a firearm by a felon, and felony evading. He pled guilty to the assault, theft and weapons counts with firearm enhancements and was sentenced to serve 22 years in state prison.

Physical Evidence

Investigators examined Smith's 9mm semiautomatic firearm and determined that he fired two rounds.

Investigators examined Wells' 9mm semiautomatic firearm and determined that he fired seven rounds.

The black, 9mm Diamondback semiautomatic pistol which Dyer tossed to the ground was found to be loaded with six live rounds in the magazine and one live round in the chamber. Both the truck and the [redacted] store were struck by a round each. Criminalists were not able to determine with certainty a trajectory for the round or rounds that witnesses believed they saw Dyer fire.

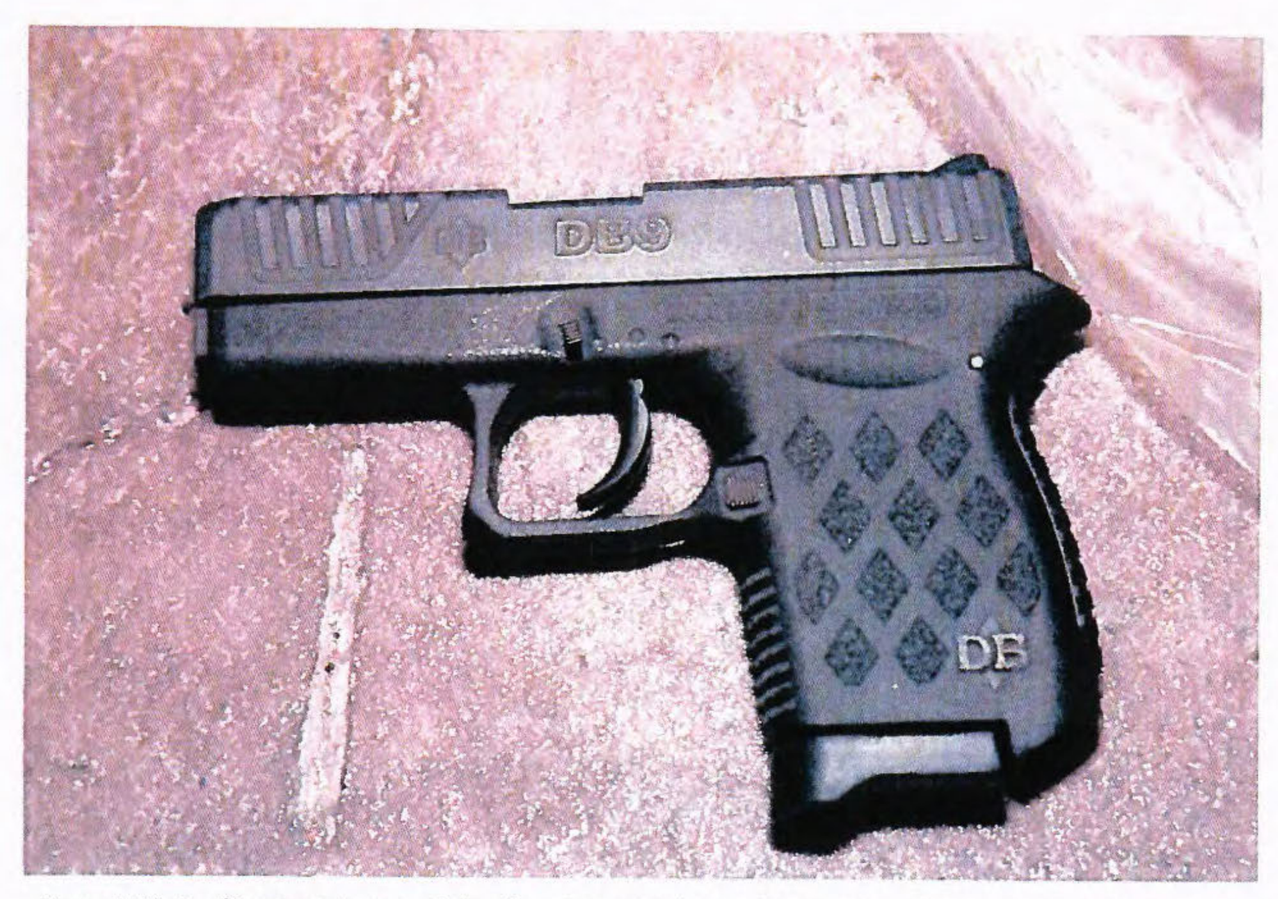


Figure 2: Photo of 9mm semiautomatic handgun Dyer tossed onto the concrete walkway outside the liquor store.

Damage and paint transfer on both the patrol vehicle and the Volvo corroborate that Dyer drove at the deputies and struck their car.

Investigators recovered boxes of 9mm ammunition and numerous items of stolen property and evidence related to identity theft and to other stolen vehicles from the stolen Volvo.

LEGAL ANALYSIS

Any police officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, prevent escape, or overcome resistance. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use

only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." Id. at 1146; *quoting* People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

California law permits any person, including police officers, to use deadly force in self-defense or in the defense of others, and, if someone dies as a result, this is a "lawful excuse" which precludes a conviction for murder. Penal Code sections 197, 198; CALCRIM No. 505. This defense is available if the killer actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; *see also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 505, 3470. Actual danger is not necessary to justify the use of deadly force in self-defense; if the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 505, 3470. The prosecution has the burden of proving beyond a reasonable doubt that the killer did not act in self-defense. *Id.*

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that contact with law enforcement would have resulted in Dyer being taken into custody on his [redacted] Dyer fled from the deputies and rammed their vehicle in the process. After hiding in the [redacted] store, Dyer exited, pointed a handgun at the deputies, and deputies and onlookers perceived that he fired at Wells. There were numerous individuals in front of the businesses, near the parking lot, and driving past the location at the time of the shooting. In fear for their lives and the lives of others, the deputies returned fire.

We conclude that Deputies Smith and Wells used lawful and reasonable force in self-defense, and the defense of others. We are closing our file and will take no further action in this matter.